

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

MARILYN SIMMONS,

Case No. 1:21 cv 01153-CL
ORDER

Plaintiff,

v.

COSTCO WHOLESALE CORP., a foreign
Corporation authorized to do business in
Oregon, and NINEBOT (CHANGZHOU)
TECHNOLOGY CO., LTD., a Chinese
Corporation,

Defendants.

Magistrate Judge Mark Clarke filed Findings and Recommendation (“F&R”) (doc. 46) on September 8, 2023. The matter is now before me. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. No objections have been timely filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final determination.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a

standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule). Having reviewed the file of this case, I find no clear error.

THEREFORE, IT IS HEREBY ORDERED that I ADOPT Judge Mark Clarke’s F&R (doc. 46). The Motion to Dismiss (doc. 29) is GRANTED and all claims against Defendant Ninebot (Changzhou) Technology Co. Ltd. are DISMISSED without prejudice for lack of personal jurisdiction.

Dated this 12th day of October, 2023.

/s/ Ann Aiken
Ann Aiken
United States District Judge